

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**FUSED SOLUTIONS, LLC**

**and**

**Cases 03-CA-098461 and  
03-RC-083193**

**UNITED FOOD AND COMMERCIAL**

**ORDER GRANTING MOTION TO AMEND COMPLAINT  
AND FURTHER NOTICE TO SHOW CAUSE**

On November 26, 2014, the Board issued a Decision, Certification of Representative, and Notice to Show Cause in these proceedings.<sup>1</sup> That Decision provided leave to the General Counsel to amend the complaint on or before December 8, 2014, to conform with the current state of the evidence, including whether the Respondent had agreed to recognize and bargain with the Union after the November 26, 2014 certification of representative issued. Notice was also given for the parties to show cause by January 12, 2015, why the motion should not be granted.

On January 12, 2015, the Respondent filed an opposition to the General Counsel's motion, reiterating its position that the decision to overrule the election objections and certify the Union was made in error.

On January 22, 2015, the General Counsel filed a motion to amend the complaint, under Section 102.17 of the Board's Rules and Regulations. The General Counsel states in his motion that while the time for the filing of an amended complaint given in the Board's Decision has passed, the General Counsel seeks leave to amend the complaint based on its additional investigation which establishes that the Respondent continues to refuse to recognize and bargain with the Union after the

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<sup>1</sup> 361 NLRB No. 119.

Board's November 26, 2014 certification. The General Counsel further asserts that granting this motion to amend would not result in prejudice to any party. The complaint attached to the General Counsel's motion has been amended in relevant part to include the allegations that about January 30, 2013 and January 9, 2015, the Union requested that the Respondent recognize and bargain with it as the exclusive collective-bargaining representative of the unit employees, and that since February 15, 2013, the Respondent has refused, and continues to refuse, to do so.

Having duly considered the matter,

**IT IS ORDERED** that the General Counsel's motion to amend the complaint is granted and the complaint is deemed amended as of this date.

**IT IS FURTHER ORDERED** that the Respondent's answer to the amended complaint is due on or before February 24, 2015.

**NOTICE IS GIVEN** that cause be shown, in writing, on or before March 3, 2015 (with affidavit of service on the parties to this proceeding), as to why the Board should not grant the General Counsel's motion for summary judgment. Any briefs or statements in support of the motion shall be filed by the same date.

Dated, Washington, D.C., February 10, 2015.

By direction of the Board:

Gary Shinnors

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Executive Secretary